

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00234-RJC-DSC

USA)
)
v.) ORDER
)
XIWEN HUANG)
)

THIS MATTER is before the Court upon motion of the defendant pro se for a recommendation for early release from confinement. (Doc. No. 35).

Title 18, United States Code, Section 3624(c) allows the Bureau of Prisons (BOP) to place a prisoner in pre-release custody under conditions, including home confinement, for the last portion of his sentence to prepare him for re-entry into the community. The Second Chance Act of 2007, among other things, expanded the allowable time period for pre-release custody from six to twelve months, but limits the time in home confinement to six months. Pub. L. No. 110-199, § 251, 122 Stat. 657, 692-93 (2008). The Act clearly states that it does not alter the BOP's authority to designate the place of the prisoner's imprisonment under 18 U.S.C. § 3621, and prohibits a court from ordering that a sentence be served in a community confinement facility. Id.

The defendant asks the Court to recommend residential re-entry center placement for twelve months. (Doc. No. 35: Motion at 1-2). Although the Court appreciates the defendant's efforts to improve himself during confinement, the Court declines to recommend his early release because the BOP is in a better position to make the necessary assessment.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the United States Probation Office.

Signed: June 1, 2017



Robert J. Conrad, Jr.
United States District Judge

